

FELONS

Purpose: Persons with drug felony convictions and those fleeing from the law are not eligible for some public assistance programs.

Effective January, 2000

WAC 388-442-0010 How being a felon impacts your eligibility for benefits.

- (1) You are not eligible for TANF/SFA, GA and/or food assistance if you are:
 - (a) Fleeing to avoid prosecution, custody, or confinement after conviction of a crime, or an attempt to commit a crime which is considered a felony in the place from which you are fleeing; or
 - (b) Violating a condition of probation or parole as determined by an administrative body or court that has the authority to make this decision.
- (2) You are not eligible for TANF/SFA and/or food assistance if you were convicted of a felony committed after August 21, 1996 involving an element of possession, use, or distribution of an illegal drug, unless you:
 - (a) Were convicted only of possession or use of an illegal drug; and
 - (b) Were not convicted of a felony for illegal drugs within three years of the latest conviction; and
 - (c) Were assessed as chemically dependent by a program certified by the division of alcohol and substance abuse (DASA); and
 - (d) Are taking part in or have completed a rehabilitation plan consisting of chemical dependency treatment and job services.
- (3) If you are pregnant, but cannot get TANF/SFA because you were convicted of a drug-related felony, you can get SFA while you are pregnant if you meet all other TANF/SFA eligibility criteria under WAC 388-400-0005 or 388-400-0010.

CLARIFYING INFORMATION

1. The drug-related felony rule (WAC 388-442-0010(2)) does not apply to the GA-U

program or to any medical program.

2. Violating a condition of probation or parole means the administrative body or court has issued an arrest warrant for the client after being notified by the corrections officer that the person failed to comply with a requirement of probation or parole. What constitutes a violation of parole varies from case to case. The department may be advised of the correction officer's intent to issue a warrant, but eligibility for assistance is not affected until the warrant is issued.
3. A rehabilitation plan from the treatment center is acceptable verification of a client taking part in, or having completed treatment. The documentation from the treatment agency must indicate that the treatment plan contains job services as defined by the center.
4. Conspiracy to possess, use, or distribute illegal drugs is considered an element of the crime. Clients convicted of an element of the crimes described in this rule are ineligible to receive TANF/SFA and food assistance benefits unless they meet the requirements in subsection (2) of this rule.
5. RCW 69.50.403 (part of the "Uniform Controlled Substances Act") makes it a Class C felony "to obtain, or attempt to obtain a controlled substance.." This statute does not provide different penalties for "obtaining" or "attempting to obtain." Thus, a person who is convicted of a felony under this statute has a felony conviction involving drug use or possession.
6. Clients assessed as dependent but not in treatment because there are no spaces available are not meeting the treatment requirement. Eligibility begins when the client enters treatment.
7. Juvenile offenders convicted of a drug-related felony or a probation violation in juvenile court are subject to the same rules as adult offenders.
8. Clients eligible for SFA due their pregnancy status become ineligible for benefits as soon as the pregnancy ends. See CHANGE OF CIRCUMSTANCES to determine the effective date of the change.

WORKER RESPONSIBILITIES

At application, eligibility review, change of circumstance or when adding a member to the household ask the client about the felon status of each member of the household. Record

the felon status in ACES. You may also access the Felony Offender Reporting System (FORS). Follow established office policy regarding who may access the FORS program.

ACES PROCEDURES

1. Ask the client the "fleeing" question and record the client's response to the question on the (DEM3) screen. Enter the YES or NO answer.

To delete an applicant's or recipient's prorated share, answer (Y) to the fleeing felon question. ACES will assign reason code 256 and send notice 008 showing the decrease in the grant or notice 0006 for termination of the benefits. Add the freeform text that the department has received information the client has an outstanding felony warrant which affects their receipt of assistance. Inform the client that they must contact the Division of Fraud Investigation (DFI) to resolve the issue if the client thinks that the warrant has been cleared.

2. The drug felony conviction question on the (DEM4) screen. Enter the YES or NO answer.
 - a. If YES, ask if the person had a previous drug felony conviction within three years of the latest conviction. Enter the YES or NO answer.
 - b. If NO, the (DEM5) screen automatically displays. Ask the question on the screen regarding assessment and treatment for chemical dependency:
 - (1) If the client states they have been assessed as dependent and are participating in or have completed treatment, contact the treatment provider. Determine if the plan meets the requirements of WAC 388-442-0010. If the requirements are met, enter YES.
 - (2) If the client states they have not been assessed for dependency, or they have been assessed and determined as not dependent, enter NO.
 - (3) If you expect the client to begin treatment before the 30th day after the date of their application, pend the application for verification of their entry into treatment.
 - c. Deny or terminate benefits of a client with [Y] to a felony drug conviction and to a previous felony conviction within three years of the last conviction.

- d. Deny or terminate benefits of a client with a [Y] to the felony drug conviction, [N] to a previous conviction and [N] to assessment or treatment.
- 3. When the Division of Fraud Investigations (DFI) notifies the CSO that a client has an outstanding felony warrant:
 - a. Notify the client of the proposed change per 1. above; and
 - b. Delete the client's prorated share of the grant by marking "Y" on the DEM3 screen if the client is unable to clear up the warrant within the ten day period. The effective date of grant reduction is the first regular monthly issuance after the advance notice period.